

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RODERICK HERBERT,

No. C 06-5532 SBA

Plaintiff,

ORDER

v.

[Docket Nos. 36, 46]

STATE FARM MUTUAL AUTOMOBILE INS.
CO., *et al.*,

Defendants.

On September 21, 2007, defendant State Farm Mutual Automobile Insurance Co. filed a motion for summary judgment [Docket No. 36] on the Electronic Court Filing system and purported to notice the motion for October 30, 2007. However, the defendant did not submit a copy of the motion with chambers as directed by Civil Local Rule 5-1(b), and the motion was therefore not calendared. This Court's Standing Order Number 10 declares:

In All "E-Filing" Cases Effective Immediately, when filing papers in connection with any motion or case management conference, the parties shall, in addition to filing papers electronically, lodge with the Clerk's Office a printed copy of the papers by the close of business the following day the papers are filed electronically. These printed copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office, in an envelope clearly marked with the judge's name, case number and "E-Filing Chambers Copy." Parties shall not file a paper copy of any other document with the Clerk's Office that has already been filed electronically. You **MUST** submit a hard copy of all motion papers filed in E-FILED cases in order to be placed on calendar!!

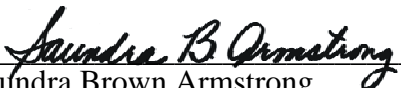
In order to be placed on calendar, the defendant must renote the motion for summary judgment and provide a copy of the motion to chambers. The defendant is advised that, at the current time, the next available hearing date is January 22, 2008.¹

Given that the defendant's motion was not calendared, and the next available hearing date is not until at least January 22, 2008, the plaintiff's motion for an extension of time [Docket No. 46] to file an opposition to the motion for summary is **DENIED** as moot.

¹ The motion cut-off date in this case is October 30, 2007. *See* Docket No. 12. Thus, if the defendant wishes to resubmit the motion for summary judgment, the defendant will need to file an *ex parte* application to have the motion cut-off date extended to the next available hearing date.

1 IT IS SO ORDERED.

2 October 16, 2007

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4 Sandra Brown Armstrong
5 United States District Judge
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